



The Kerala Municipality (Amendment) Act, 1996

Act 8 of 1996

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District, Metropolitan Area, Municipal Area, Panchayat, Population

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ACT 8 OF 1996

THE KERALA MUNICIPALITY (AMENDMENT) ACT, 1996 [\[1\]](#)

An Act further to amend the Kerala Municipality Act, 1994.

Preamble. —WHEREAS it is expedient to amend the Kerala Municipality Act, 1994 (20 of 1994), for the purposes hereinafter appearing;

BE it enacted in the Forty-seventh Year of the Republic of India as follows:—

1 . *Short title and commencement.*— (1) This Act may be called the Kerala Municipality (Amendment) Act, 1996.

(2) Section 2 of the Act shall come into force at once and the other Sections shall be deemed to have come into force on the 1st day of October, 1995.

2. *Amendment of Section 7.* — In sub-section (4) of Section 7 of the Kerala Municipality Act, 1994 (20 of 1994) (hereinafter referred to as the principal Act), for the words "within three months" the words "within six months" shall be substituted.

3. *Amendment of Section 13.*— In Section 13 of the principal Act,—

(a) in the marginal heading, for the word "allowance", the words "Honorarium and allowances" shall be substituted;

(b) in sub-section (1), for the word "allowance" the words "honorarium and allowances" shall be substituted.

4. *Repeal and saving.* —(I) The Kerala Municipality (Amendment) Ordinance, 1996 (5 of 1996) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

The Kerala Municipality (Amendment) Act, 2000 [\[1\]](#)

(Act 14 Of 2000)

An Act further to amend the Kerala Municipality Act, 1994.

Preamble. — whereas it is expedient further to amend the Kerala Municipality Act, 1994 for the purposes hereinafter appearing;

be it enacted in the Fifty-first year of the Republic of India as follows:—

1. Short title and commencement .—(1) This Act may be called the Kerala Municipality (Amendment) Act, 2000.

(2) Section 7 of the Act shall come into force at once and the remaining sections shall be deemed to have come into force on the 18th day of January, 2000.

2. Amendment of section 19.—In section 19 of the Kerala Municipality Act, 1994 (20 of 1994) (hereinafter referred to as the Principal Act).

(1). In sub-section (2), for the word 'Government' the words 'State Election Commission' shall be substituted;

(2) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) The meeting convened under this section shall be presided over by an officer authorised by the "State Election Commission" under sub-section (2)";

(3) Sub-section (4A) shall be omitted.

3. Amendment of section 38.—In section 38 of the Principal Act, —

(a). In sub-section (3), for the words "for such period as the Chairperson or the person presiding may decide" the words "for the day by the Chairperson or the person presiding" shall be substituted.

(b). Proviso shall be omitted.

4. Amendment of section 69.—In sub-section (1) of section 69 of the principal Act, or the words "State Election Commission" the words "State Election Commission or the officer authorised by it in this behalf" shall be substituted.

5. Insertion of new section after section 69.—After section 69 of the principal Act, the following section shall be inserted, namely:—

"69 A. Review of final orders by the State Election Commission. —(1) The State Election Commission may, either suo motu or on application, review any order passed under section 69 and pass such orders as it may deem fit.

(2) An application for review under sub-section (1) shall be submitted within fifteen days from the date of passing of the final order on which the complaint is based:

Provided that the time taken for obtaining a copy of the order against which the complaint has been filed shall be excluded for calculating the said fifteen days.

(3) Any order issued by the State Election Commission under sub-section (1) shall be published, as soon as may be after it is issued, by affixing in the notice board of the concerned Municipality and in a conspicuous place within such Municipal area and the fact of such publication shall be published in the gazette and in two local newspapers having wide circulation in the concerned Municipal area." .

6. Amendment of section 89.—In section 89 of the Principal Act, for the words "from the date of the order till the expiry of the period of the elected council" the words "for a period of five years from the date of such order" shall be substituted.

7. Amendment of section 383A.—In section 383A of the Principal Act, for the existing proviso, the following proviso shall be substituted namely:—

"Provided that the said limit of three metres shall not be applicable for the construction, subject to the Building Rules, of first floor or second floor or of both upon a building, existing as on the date of coming into force of this Act:

Provided further that, any path, bridge or similar constructions used solely for entering into any building or weather shade or sun shade forming part of the building may, subject to the Building Rules, be constructed within the said three metre limit:

Provided also that when the part of the existing building demolished for the implementation of any town planning scheme it shall be in such a way as not to adversely affect the remaining portion of the building or the new addition made and the complete responsibility regarding the safety and stability of it shall be on the owner of the building and when he makes such demolition it shall be performed at his own cost and responsibility and he shall not be eligible for any compensation for the said construction and he shall submit a consent letter for this purpose along with the application.

8• Amendment of section 407.—In sub-section (i) of section 407 of the Principal Act, for the words and figures "on or before 31 December, 1998 " the words and figures "on or before 15th October 1999 " shall be substituted.

9• Repeal and saving. —(1) The Kerala Municipality (Amendment Ordinance, 2000 (4 of 2000) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act.

ACT 10 OF 2003

THE KERALA MUNICIPALITY (AMENDMENT) ACT, 2003 [\[1\]](#)

An Act further to amend the Kerala Municipality Act, 1994.

Preamble.--Whereas it is expedient further to amend the Kerala Municipality Act, 1994 (20 of 1994) for the purposes hereinafter appearing;

BE it enacted in the Fifty-fourth year of the Republic of India as follows:-

1. *Short title and commencement.*--(1) This Act may be called the Kerala Municipality (Amendment) Act, 2003.

(2) Section 2 of this Act shall be deemed to have come into force on the 24th day of March, 1999 and the remaining sections shall be deemed to have come into force on the 29th day of March, 2003.

2. *Amendment of section 85.*--In section 85 of the Kerala Municipality Act, 1994 (20 of 1994), (hereinafter referred to as the principal Act), after clause (f) the following proviso shall be added, namely:--

"Provided that even if a candidate has omitted any word or words inadvertently when he makes and subscribes signature in such oath or affirmation and he has subsequently been elected as Councillor and assumed office on oath or affirmation made in the Third Schedule he shall not be considered as disqualified for the mistake happened earlier.".

3. *Validation.*--Notwithstanding anything contained in the Kerala Municipality Act, 1994 (20 of 1994) or in any other law, or in any judgement or order of any court, where a person has been elected as a Councillor of a Municipality and has assumed office after making and subscribing oath or affirmation as per the Third Schedule of the principal Act, 1994, he shall not be considered as invalid for the only reason that while presenting nomination paper he has omitted any word or words in the oath or affirmation made or subscribed before the returning officer or any other authority and shall continue to be the Councillor.

4. *Repeal and saving.*--(1) The Local Self Government Institution Laws (Amendment) Ordinance, 2003 (2 of 2003), except Section 3 thereof is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE KERALA MUNICIPALITY (THIRD AMENDMENT) ACT, 2005 [\[1\]](#)
(ACT 33 OF 2005)

An Act further to amend the Kerala Municipality Act, 1994.

Preamble. - WHEREAS, it is expedient further to amend the Kerala Municipality Act, 1994 (20 of 1994) for the purposes hereinafter appearing;

BE it enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. *Short title and commencement.* - (1) This Act may be called the Kerala Municipality (Third Amendment) Act, 2005.

(2) Sections 6, 7 and 8 of this Act shall be deemed to have come into force on the 1st day of September, 2000 and the remaining shall come into force at once.

2. *Amendment of section 19.* - In section 19 of the Kerala Municipality Act, 1994 (20 of 1994) (hereinafter referred to as the principal Act), for sub-section (8) the following sub-section shall be substituted, namely:-

“(8) The Officer presiding over the meeting shall not speak on the merits and de-merits of the motion and shall not be entitled to vote.”.

3. *Amendment of section 22.* - In the principal Act in clause (k) of sub-section (1) of section 22, in between the words “slum improvement,” and “public distribution system”, the words “poverty eradication” shall be inserted.

4. *Amendment of section 90.* - In sub-section (1) of section 90 of the principal Act, for clause (h) the following clause shall be substituted, namely:-

“(h) is employed as a paid legal practitioner on behalf of that municipality; or”,

5. *Amendment of section 91.* - In clause (f) of section 91 of the principal Act, after the words, “or except as permitted by rules made under this Act.” the following words shall be added, namely:-

“or enters into the contract or work with the Municipality as a Convener of the beneficiary committee which undertake the project or work of that municipality as per any rules made under this Act.”.

6. *Amendment of section 128.* - In section 128 of the principal Act,-

(1) In subsection (1) after clause (a) the following clause shall be inserted, namely:-

“(aa) any voting machine develops a mechanical failure during the course of recording votes; or;”;

(2) In clause (b) of sub-section (2) after the words, “error or irregularity” the words, “or the mechanical failure developed in the voting machine”, shall be inserted.

7. *Insertion of new section after section 130.*- In the principal Act, after section 130 the following section shall be inserted, namely:-

“130A. *Use of voting machine in elections.*- Notwithstanding anything contained in this Act or rules made thereunder, the system of giving vote and recording of vote by using voting machines as may be prescribed may be adopted in every election decided by the State Election Commission considering the circumstances in each region.

Explanation.- For the purpose of this section “voting machine” means any electronic machine or any other machine used for giving or recording of votes and it shall also be construed that any reference as to ballot box or ballot paper in this Act or the rules made thereunder save as otherwise provided shall include the reference to a voting machine which is being used in any election.”

8. *Amendment of section 565.*- In section 565 of the principal Act, after clause (a) of sub-section (2) the following clause shall be inserted, namely:-

“(aa) the manner of giving and recording of votes by using voting machine and the procedures in conducting polling in polling stations or places where such machines are used”.

9. *Validation.*- (1) Notwithstanding the cessation of operation of the Kerala Local Self Government Institution Laws (Amendment) Ordinance, 2001 (20 of 2001) on the 17th day of July, 2001.-

(a) anything done or deemed to have been done or any action taken or deemed to have been taken under sections 128, 130A and 565 of the principal Act, amended under the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act;

(b) anything done or any action taken after the cessation of operation of the said Ordinance and before the date of publication of this Act in the Gazette, which could have been done or taken under the principal Act amended under the said Ordinance had it not been ceased to operate, shall be deemed to have been done or taken under the principal Act as amended under this Act.

(2) The cessation of the said Ordinance shall not affect,-

(a) any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or

(b) any legal proceedings or remedy in respect of any such right, privilege, obligation or liability and such legal proceedings or remedy may be instituted, continued or enforced under the provisions of the principal Act as amended by this Act.

THE KERALA MUNICIPALITY (FOURTH AMENDMENT) ACT, 2005^[1]

(ACT 34 OF 2005)

An Act further to amend the Kerala Municipality Act, 1994.

Preamble.— WHEREAS, it is expedient further to amend the Kerala Municipality Act, 1994 for the purposes hereinafter appearing;

BE it enacted in the Fifty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Municipality (Fourth Amendment) Act, 2005

(2) It shall come into force at once.

2. *Amendment of section 12.*— In section 12 of the Kerala Municipality Act, 1994 (20 of 1994) (hereinafter referred to as the principal Act), after sub-section (8) the following sub-section shall be added, namely:—

“(8A) The State Election Commission may declare the office of the Chairperson or Deputy Chairperson, as vacated on his own motion where the person has not entered upon his office, without sufficient cause, by taking oath or affirmation within a period of fifteen days from the date he was declared elected as such as Chairperson or Deputy chairperson.”.

3. *Amendment of section 270.*— In section 270 of the principal Act, after item (iv) in the schedule to sub- section (1) the following item shall be inserted, namely:—

“(iv a) Transfer of assignment on lease other than sublease of immovable property.

The same stamp duty on sale deed for a consideration equal to the amount of consideration of transfer (item 21 or 22, as the case may be of the Schedule to the Kerala Stamp Act, 1959)”.

THE KERALA MUNICIPALITY (FIFTH AMENDMENT) ACT, 2005^[1]

(ACT 35 OF 2005)

An Act further to amend the Kerala Municipality Act, 1994.

Preamble.-WHEREAS, it is expedient further to amend the Kerala Municipality Act, 1994 for the purposes hereinafter appearing;

BE it enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. *Short title and commencement.*-(1) This Act may be called the Kerala Municipality Act (Fifth Amendment) Act, 2005.

(2) It shall come into force at once.

2. *Amendment of Section 447.*- In the Kerala Municipality Act, 1994 (20 of 1994), for sub-section (4) and (5) of section 447, the following sub-section shall be substituted, namely:-

“ (4) The period of licence granted under sub-section (3) and (3A) or a licence deemed to have been granted under sub-section (6) shall unless a date is specified therein, expire on completion of three years from the date of its issue.

(5) Every application for any licence or permission or for its renewal under this Act or the rules or bye-laws made thereunder, shall be made not less than thirty days and not more than ninety days before the earliest day on which such licence or permission is required or the licence expires.

(6) If the order on an application for any licence or permission are not communicated to the applicant within thirty days after the receipt of the application by the Secretary or within such longer period as may be prescribed in any class of cases, the application shall be deemed to have been allowed for the period required in the application subject to the Act, rules and bye-laws and all conditions which would have been ordinarily imposed.”

THE KERALA MUNICIPALITY (SEVENTH AMENDMENT) ACT, 2005 [\[1\]](#)

(ACT 37 OF 2005)

An Act further to amend the Kerala Municipality Act, 1994.

Preamble.-WHEREAS, it is expedient further to amend the Kerala Municipality Act, 1994 for the purposes hereinafter appearing;

BE it enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. *Short title and commencement.*-(1) This Act may be called the Kerala Municipality (Seventh Amendment) Act, 2005.

(2) It shall come into force at once.

2. *Amendment of Section 108.*- In the Kerala Municipality Act, 1994 (20 of 1994) (hereinafter referred to as the principal Act), after sub-section (1) of section 108, the following sub-section shall be inserted, namely:-

“(1A) Every candidate submitting nomination under sub-section (1) shall not be deemed to be qualified to be elected to fill that post unless he submits, along with such nomination, the details regarding his educational qualification, criminal cases in which he is involved at the time of submission of nomination, property owned by him and other members of his family, liabilities including arrears due from him to any Public Sector Undertaking or Government or Local Self Government Institutions and whether disqualified for defection under the Kerala Local Authorities (Prohibition of Defection) Act, 1999, in the form and manner as may be prescribed.”.

3. *Amendment of Section 178.*- In section 178 of the principal Act, in sub-section (1), after clause (c) the following clause shall be inserted, namely:-

“(ca) that the details furnished by the elected candidate under sub-section (1A) of section 108 were fake; or.”

ACT 12 OF 2007
THE KERALA MUNICIPALITY (AMENDMENT) ACT, 2007

An Act further to amend the Kerala Municipality Act, 1994.

Preamble.— WHEREAS, it is expedient further to amend the Kerala Municipality Act, 1994 (20 of 1994) for the purposes hereinafter appearing; BE it enacted in the Fifty-eighth year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Kerala Municipality (Amendment) Act, 2007.

(2) It shall come into force at once.

2. *Amendment of Section 91.*— The existing section 91 of the Kerala Municipality Act, 1994(20 of 1994), shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in clause (p) of sub-section (1), a member, who had committed default in filing a statement of his assets and liabilities within the time limit prescribed under section 143A on the date on which the Kerala Municipality (Amendment) Act, 2007 came into force, shall not be deemed to be disqualified, if he files such statement before the concerned authority within 90 days from the date on which the said Act came into force.”.

THE KERALA MUNICIPALITY (SIXTH AMENDMENT) ACT, 2005.
(ACT 36 OF 2005)

CONTENTS

Preamble:

Sections:

1. Short title and commencement.
2. Amendment of section 538.

THE KERALA MUNICIPALITY (SIXTH AMENDMENT) ACT, 2005.¹

(ACT 36 OF 2005)

An Act further to amend the Kerala Municipality Act, 1994.

Preamble.-WHEREAS, it is expedient further to amend the Kerala Municipality Act, 1994 for the purposes hereinafter appearing;

BE it enacted in the Fifty-sixth year of the Republic of India as follows:-

1. *Short title and commencement.*-This Act may be called the Kerala Municipality (Sixth Amendment) Act, 2005.

(2) It shall come into force at once.

2. *Amendment of section 538.*- In sub-section (2) of section 538 of the Kerala Municipality Act, 1994 (20 of 1994), for the words “penalty at the rate of two per cent per mensum”, the words “penalty at the rate of one per cent per mensum” shall be substituted.

¹ Published under the authority of the Governor in Kerala Gazette dated 24-08-2005.

[Translation in English of the “2012-ലെ കേരള മുനിസിപ്പാലിറ്റി (ഭേദഗതി) അക്ക് ” published under the authority of the Governor.]

ACT 1 OF 2013

THE KERALA MUNICIPALITY (AMENDMENT) ACT, 2012

An Act further to amend the Kerala Municipality Act, 1994.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Municipality Act, 1994 for the purposes hereinafter appearing;

BE it enacted in the Sixty-third Year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Municipality (Amendment) Act, 2012.

(2) Section 2 of this Act shall be deemed to have come into force on the 1st day of November, 2010 and the remaining sections shall be deemed to have come into force on the 25th day of November, 2011.

2. *Amendment of section 143A.*—In the Kerala Municipality Act, 1994 (20 of 1994) (hereinafter referred to as the principal Act), in sub-section (1) of section 143A, for the words “three months” the words “fifteen months” shall be substituted.

3. *Insertion of new sections after section 334.*—In the principal Act, after section 334, the following sections shall be inserted, namely:—

“334A *Management of waste at source.*—(1) Notwithstanding anything contained in sections 326 to 334 and in sections 335 and 336 of this Act, the owner or the person having the lawful management or control of trade centres, hospitals, markets, slaughterhouses, chicken stalls, fish stalls, marriage halls, flats, hotels, catering service establishments, houses having a plinth area of more than 400 square metres and such other establishments as may be notified by the Municipality, shall,—

(a) keep the waste originated in such buildings, establishment or places, segregated as bio-degradable and non bio-degradable waste at the source itself, in the manner as may be prescribed and as provided for in the bye-laws of the Municipality and set up sufficient systems in this behalf;

(b) process and dispose of in appropriate manner the bio-degradable waste segregated as per clause (a) at the source itself or with the written permission of the Secretary, at the neighbouring place in the ownership of such person, subject to the provisions of the Environment Protection Act, 1986 (Central Act 29 of 1986) and the Rules made thereunder and without causing pollution to water, air and sound and if there is space restriction for this purpose, in order to ensure the processing of such waste through the Municipality or through waste processing agencies recognised by the Government, pay such fees, in such manner as may be prescribed in accordance with the quantity and type of waste;

(c) in order to deal with the non bio-degradable waste segregated under clause (a), enter into agreement with the person, or with the establishment which, produces or distributes the goods which causes such wastes, to take back the wastes relating to such goods and on the other hand to remit the fees to the Municipality during such period, in such manner and at such rates, as may be prescribed; and

(d) process the waste water originated in such buildings or establishments or places scientifically at its source and where it cannot be processed scientifically, enter into an agreement with an agency recognised by the Government, which processes waste water scientifically, and shall not allow the waste water to flow into water bodies, drainages or public way or public places.

(2) The buildings, establishments and places specified in sub-section (1) shall have the systems for processing the waste as stated in the said sub-section at the time of their construction itself and the Municipality shall not grant working permit, license or building number in respect of those which do not have such systems and in the case of such existing buildings, establishments and places, the Secretary may allow a period not exceeding one year for making such systems or for rectifying the deficiencies in such systems and cancel the license, building number or working permit of those institutions which do not make sufficient system, after giving the party concerned an opportunity of being heard.

(3) Whoever violates any of the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees or with both.

(4) Any person convicted under sub-section (3) shall be punished with a fine of not less than one thousand rupees for each day of continuing violation of the provisions of sub-section (1).

334B. Restriction on plastic carry bags and covers and management of plastic wastes.—(1) Subject to the provisions of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) and the Rules made thereunder,—

(a) the Municipality shall, by notification, fix the minimum price of various kinds of plastic carry bags and plastic covers and no institution or person shall sell such bags or covers at a price lower than the price so fixed or give them free of cost and the Municipality shall take steps to ensure that no institution or person does so;

(b) where an applicant who applies for license under section 447 intends to sell plastic bags or plastic covers through his establishment, such information shall be recorded in the application and the Municipality may, in addition to the usual license fee, realise a fixed amount as additional fee in this behalf for the period as may be prescribed, in accordance with the approximate number or quantity of plastic bags and plastic covers intended to be sold;

(c) every consumer shall keep the waste plastic bags and plastic covers segregated from other wastes and shall be managed as provided for in the bye-laws that may be made by the Council.

(2) The Secretary shall, lodge complaint any person who violates the provisions of clause (a) of sub-section (1), in accordance with the provisions of the said Central Act and the Rules made thereunder.

334C. Constitution of Waste Disposal Fund.—The Municipality shall constitute a special fund, by name 'The Waste Disposal Fund' for the purpose of disposal of waste, especially for the disposal of plastic waste, originated within the Municipal area, and,—

(a) the additional fee realised as per clause (b) of sub-section (1) of section 334B.

(b) the fine amount recovered in the cases relating to waste disposal; and

(c) the amounts that may be granted by the Government or given by other agencies or person for this purpose;

shall be credited to the Fund and the same shall be managed in the manner as may be prescribed.”.

4. *Repeal and saving.*—(1) The Kerala Municipality (Amendment) Ordinance, 2012 (43 of 2012) (hereinafter referred to as the said Ordinance) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act:

Provided that no person accused of an offence under the provisions of the principal Act as amended by the said Ordinance during the period from the 23rd day of July, 2012 to the 13th day of August, 2012 shall be subjected to conviction.